

**NORTHERN DISTRICT
FILED**

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IN THE UNITED STATES DISTRICT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SEP 30 2005

BARBARA J. WEBB,

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Petitioner,

NO. 4:05-CV-548-A

DOUGLAS DREKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION,

ପାତ୍ରାବ୍ଦୀ

Respondent.

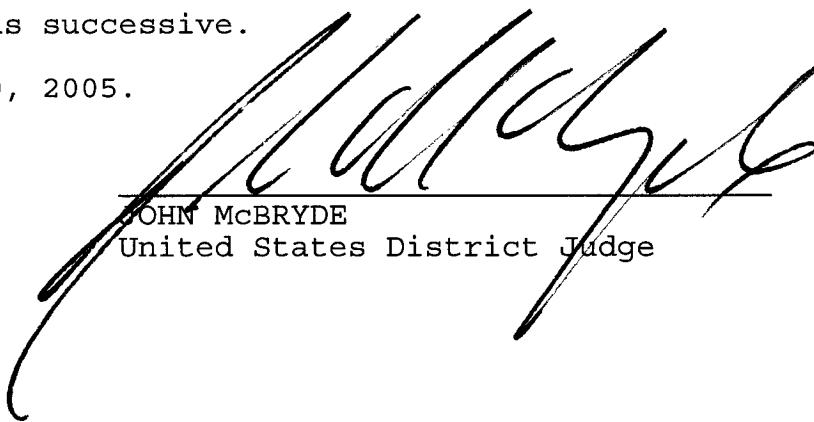
O R D E R

Came on for consideration the above-captioned action wherein Barbara J. Webb ("Webb") is petitioner and Douglas Dretke, Director, Texas Department of Criminal Justice, Correctional Institution Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. No process has been issued upon respondent in this case. On September 7, 2005, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that Webb file objections, if any, thereto by September 28, 2005. On September 23, 2005, Webb filed her written objections. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

The magistrate judge concluded that Webb's petition was a successive petition filed by a state prisoner, and recommended that it be dismissed pursuant to 28 U.S.C. § 2244(b)(1). Furthermore, the magistrate judge concluded that Webb is barred from pursuing a successive motion without leave of the appropriate circuit court of appeals. See Id. § 2244(b)(3). In her objections, Webb provided no evidence that she has received such leave. Therefore, the court concludes that the motion must be dismissed as successive. Accordingly,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed pursuant to 28 U.S.C. § 2244(b)(1) as successive.

SIGNED September 30, 2005.


JOHN McBRYDE
United States District Judge